

**STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE**

CF 2 DOE,
State of New York

Plaintiff,

v.

SUMMONS

Index No.: _____

THE DIOCESE OF BUFFALO, N.Y.,
795 Main Street
Buffalo, New York 14203

Child Victims Act Proceeding
22 NYCRR 202.72

FRANCISCAN SISTERS OF ST. JOSEPH,
5229 South Park Avenue
Hamburg, New York 14075

IMMACULATA ACADEMY,
5138 South Park Avenue
Hamburg, New York 14075

MICHAEL W. MCGUIRE,
17 Gilbert Avenue
Blasdell, New York 14219

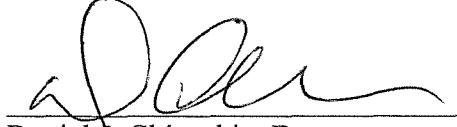
Defendants.

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorney(s) within twenty (20) days after the service of this summons, exclusive of the day of service [or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York]; and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Erie County is designated as the place of trial on the basis of the residence and the principle place of business of the defendants, which is in Erie County, New York.

Dated: August 19, 2019
Hamburg, New York



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**STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE**

CF 2 DOE,

Plaintiff,
v. **COMPLAINT**
Index No.:

THE DIOCESE OF BUFFALO, N.Y.,
FRANCISCAN SISTERS OF ST. JOSEPH,
IMMACULATA ACADEMY,
MICHAEL W. MCGUIRE,

Defendants.

Plaintiff, CF 2 DOE, by her attorneys Chiacchia & Fleming, LLP, brings this action against the DIOCESE OF BUFFALO, N.Y., FRANCISCAN SISTERS OF ST. JOSEPH, IMMACULATA ACADEMY and MICHAEL W. MCGUIRE, and alleges, on personal knowledge as to herself and on information and belief as to all other matters, as follows:

JURISDICTION AND VENUE

1. This Court has personal jurisdiction over the Defendants pursuant to CPLR 301 and 302, in that each Defendant either resides in New York or conducts or, at relevant times conducted, activities in New York that give rise to the claims asserted herein.

2. Venue for this action is proper in the County of Erie pursuant to CPLR 503 in that one or more Defendant resides or has their principal place of business in this County and a substantial part of the events or omissions giving rise to the claims asserted herein occurred here.

3. This action is brought pursuant to CPLR § 214-G, as added by the New York State Child Victims Act, which has revived claims of child sexual abuse for a period of one year beginning on August 14, 2019, six months after the effective date of the section (February 14,

2019). This action is timely.

PARTIES

4. Plaintiff CF 2 DOE ("Plaintiff"), is an individual residing in the State of New York.

5. Defendant THE DIOCESE OF BUFFALO, N.Y. ("DIOCESE") is a Roman Catholic diocese headquartered in Buffalo, New York, with its principal place of business located at 795 Main Street, Buffalo, NY. At all relevant times, the Diocese of Buffalo operated schools for minor children, including, Immaculata Academy, during the period of 1978 through 1982.

6. Defendant FRANCISCAN SISTERS OF ST. JOSEPH ("FSSJ") is a Catholic congregation of sisters, with its principal place of business located at 5229 South Park Avenue, Hamburg, New York. At all relevant times, the FRANCISCAN SISTERS OF ST. JOSEPH conducted activities in Erie County, New York, including sponsoring and operating Immaculata Academy during the period of 1978 through 1982.

7. IMMACULATA ACADEMY ("IMMACULATA"), was a Roman Catholic High School in Hamburg, New York which was managed, overseen, controlled, directed, and operated by the DIOCESE & FSSJ.

8. Defendant MICHAEL W. MCGUIRE ("MCGUIRE") is an individual residing in Erie County, New York. Defendant MCGUIRE was a teacher and athletic coach at Immaculata Academy during the period of 1978 through 1982.

FACTS COMMON TO ALL CLAIMS

9. In or around 1978, when she was approximately 14 years old, Plaintiff began matriculating at Immaculata Academy, a school within and under the auspices of Defendants DIOCESE, IMMACULATA and FSSJ.

10. During the times relevant to the allegations set forth herein, MICHAEL W. MCGUIRE was employed by Defendants DIOCESE, IMMACULATA and FSSJ as a teacher and athletic coach at Defendant IMMACULATA.

11. Through his positions at, within, or for the Defendants DIOCESE, IMMACULATA and FSSJ, Defendant MCGUIRE was put in direct contact with Plaintiff, a student at Immaculata Academy. Defendant MCGUIRE was assigned to teach her. It was under these circumstances that Plaintiff came to be under the direction and control of Defendant MCGUIRE, who used his position of authority and trust over Plaintiff to sexually abuse, sexually assault and harass her.

12. On numerous occasions, during the years from approximately 1978 through 1982, while Plaintiff was a minor, Defendant MCGUIRE, while acting as a teacher, athletic coach, counselor, trustee, director, officer, employee, agent, servant and/or volunteer of the Defendants DIOCESE, IMMACULATA and FSSJ, sexually assaulted, sexually abused and/or had sexual contact with Plaintiff in violation of the laws of the State of New York.

13. The abuse began when Plaintiff was approximately 14 years old and ended when she was approximately 18 years old and graduated from Immaculata Academy.

14. Defendant MCGUIRE organized parties at his home and supplied alcohol to minors with the full knowledge that plaintiff and others were all minors, and in doing so was unlawfully dealing with minor children, contrary to the Penal Law of the State of New York.

15. At all times material hereto, Defendant MCGUIRE, was under the direct supervision, employ and/or control of Defendants DIOCESE, IMMACULATA and FSSJ.

16. Defendants DIOCESE, IMMACULATA and FJJS knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate and unlawful

sexual activities of Defendant MCGUIRE who sexually abused Plaintiff.

17. Defendants DIOCESE, IMMACULATA and FJJS had the responsibility to supervise and/or direct teachers serving at Immaculata Academy, and specifically, had a duty not to aid a pedophile such as Defendant MCGUIRE, by assigning, maintaining and/or appointing him to a position with access to minors.

18. All Defendants, individually, jointly and/or severally, violated various New York statutes, including, but not limited to N.Y. Soc. Serv. Law §§ 413 and 420, which require school officials and teachers to report suspected cases of child abuse and impose liability for failure to report.

19. Plaintiff suffered personal physical and psychological injuries and damages as a result of Defendant MCGUIRE's actions, as well as other damages related thereto, as a result of her childhood sexual abuse.

20. As a direct result of the Defendants' conduct described herein, Plaintiff suffered and will continue to suffer pain of mind and body, permanent emotional distress, physical manifestations of emotional distress, problems sleeping, concentrating, low self-confidence, low self-esteem, feeling of worthlessness, feeling shameful, and embarrassed, feeling alone and isolated, feeling estranged from the church, struggling with alcohol problems, feeling helpless, and hopeless, problems with sexual intimacy, relationship problems, trust issues, feeling confused and angry, feeling sad and depressed, feeling anxiety, having panic attacks, crying, feeling dirty, used, and damaged, feeling suicidal, and feeling that her innocence was stolen. Plaintiff was prevented and will continue to be prevented from performing her normal daily activities and obtaining the full enjoyment of life, and has incurred, and will continue to incur, expenses for medical and psychological treatment, therapy, and counseling.

CAUSES OF ACTION**FIRST CAUSE OF ACTION****Negligent Hiring/Retention/Supervision/Direction**

21. Plaintiff repeats and realleges each and every allegation set forth in the foregoing paragraphs as though fully set forth herein.
22. The sexual abuse of children by adults, including teachers, is foreseeable.
23. By establishing, staffing, and/or operating Immaculata Academy, encouraging the enrollment and instruction of Plaintiff in Immaculata Academy, accepting her as a student at Immaculata Academy, and holding Immaculata Academy out to be a safe environment for learning and engaging in youth activities, Defendants DIOCESE, IMMACULATA and FJJS entered into an express and/or implied duty to provide a reasonably safe environment for Plaintiff and assumed the duty to protect and care for her.
24. Defendants negligently hired, retained, directed, and supervised Defendant MCGUIRE when they knew or should have known that he posed a threat of sexual abuse to children.
25. Defendants DIOCESE, IMMACULATA and FJJS knew or should have known of Defendant MCGUIRE propensity for the conduct which caused Plaintiff's injuries prior to the injuries' occurrence.
26. Defendant MCGUIRE sexually assaulted, sexually abused and/or had sexual contact with Plaintiff on Defendant DIOCESE, IMMACULATA and FJJS's premise.
27. Defendants owed a duty of care to all persons, including Plaintiff, who were likely to come within the influence of Defendant MCGUIRE, in his role as a teacher, athletic coach, counselor, trustee, director, officer, employee, agent, servant and/or volunteer, to insure that Defendant MCGUIRE did not abuse his authority as a teacher, athletic coach, counselor, trustee,

director, officer, employee, agent, servant and/or volunteer to injure minors by sexual assault, battery, and/or abuse.

28. At all times material hereto, Defendants' actions were willful, wanton, malicious, reckless and/or outrageous in their disregard for the rights and safety of Plaintiff.

29. As a direct and proximate result, Plaintiff has suffered and will continue to suffer the injuries described herein.

30. By reason of the foregoing, the Defendants are liable to the Plaintiff, jointly, severally and/or in the alternative, for compensatory damages, and for punitive damages, together with interest and costs.

SECOND CAUSE OF ACTION
Negligence/Gross Negligence

31. Plaintiff repeats and realleges each and every allegation set forth in the foregoing paragraphs as though fully set forth herein.

32. Defendants knew, or were negligent in not knowing, that Defendant MCGUIRE posed a threat of sexual abuse to children.

33. The acts of Defendant MCGUIRE described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his employment, appointment, and/or agency with the Defendants DIOCESE, IMMACULATA and FJJS.

34. Defendants DIOCESE, IMMACULATA and FJJS owed Plaintiff, at the relevant times a minor, a duty to protect her from Defendant MCGUIRE's sexual deviancy, both prior to and/or subsequent to Defendant MCGUIRE's misconduct.

35. Defendants' willful, wanton, grossly negligent and/or negligent act(s) of commission and/or omission, resulted directly and/or proximately in the damage set forth herein at length.

36. Defendants:

- a. gave improper or ambiguous orders or failed to make proper regulations, and/or employed improper persons or instrumentalities in work involving risk of harm to others;
- b. failed adequately to supervise the activities of Defendant MCGUIRE;
- c. permitted, and/or intentionally failed and/or neglected to prevent, negligent and/or grossly negligent conduct and/or allowed other tortious conduct by persons, whether or not their servants and/or agents and/or employees, upon premises or with instrumentalities under their control; and
- d. allowed the acts of omission and/or commission and/or any or all of the allegations set forth in this Complaint, to occur.

37. At all times material hereto, with regard to the allegations contained herein, Defendant MCGUIRE was under the direct supervision, employ and/or control of Defendants DIOCESE, IMMACULATA and FJJS.

38. At all times material hereto, Defendants' actions were willful, wanton, malicious, reckless, and outrageous in their disregard for the rights and safety of Plaintiff, which amounted to conduct equivalent to criminality.

39. As a direct and/or indirect result of said conduct, Plaintiff has suffered the injuries and damages described herein.

40. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to the Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

THIRD CAUSE OF ACTION
Breach of Fiduciary Duty

41. Plaintiff repeats and realleges each and every allegation set forth in the foregoing paragraphs as though fully set forth herein.

42. Through his positions at the Defendants DIOCESE, IMMACULATA and FJJS, Defendant MCGUIRE was put in direct contact with Plaintiff, then a minor student at Immaculata Academy, specifically being assigned to teach her both lay academic subjects and as a coach. It was under these circumstances that Plaintiff came to be under the direction and control of Defendant MCGUIRE, who used his position of authority and trust over Plaintiff to sexually abuse and harass her.

43. There exists a fiduciary relationship of trust, confidence, and reliance between Plaintiff and all the Defendants herein.

44. Pursuant to their fiduciary relationship, Defendants were entrusted with the well-being, care, and safety of Plaintiff.

45. Pursuant to their fiduciary relationship, Defendants assumed a duty to act in the best interests of Plaintiff.

46. Defendants breached their fiduciary duties to Plaintiff.

47. At all times material hereto, Defendants' actions and/or inactions were willful, wanton, malicious, reckless, and outrageous in their disregard for the rights and safety of Plaintiff.

48. As a direct result of said conduct, Plaintiff has suffered injuries and damages described herein.

49. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest

and costs.

FOURTH CAUSE OF ACTION
Breach of Non-Delegable Duty

50. Plaintiff repeats and realleges each and every allegation set forth in the foregoing paragraphs as though fully set forth herein.

51. Plaintiff, when she was a minor, was placed in the care of all of the Defendants for the purposes of, *inter alia*, providing plaintiff with a safe environment to receive a lay education and spiritual instruction, training, guidance and/or counseling. There existed a non-delegable duty of trust between Plaintiff and Defendants.

52. Plaintiff was a vulnerable child when placed within the care of the Defendants.

53. As a consequence, the Defendants were in the best position to prevent Plaintiff's abuse, and to learn of Defendant MCGUIRE's repeated sexual abuse of Plaintiff and stop it.

54. By virtue of the fact that Plaintiff was sexually abused as a parishioner/student, Defendants breached their non-delegable duty to Plaintiff.

55. At all times material hereto Defendant MCGUIRE was under the direct supervision, employ and/or control of Defendants DIOCESE, IMMACULATA and FJJS.

56. As a direct result of said conduct, Plaintiff has suffered injuries and damages described herein.

57. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

FIFTH CAUSE OF ACTION
Fraudulent Concealment

58. Plaintiff repeats and realleges each and every allegation set forth in the foregoing

paragraphs as though fully set forth herein.

59. Defendant allowed the acts of omission and/or commission and/or any or all of the allegations set forth in this Complaint, to occur.

60. Defendants DIOCESE, IMMACULATA and FJJS knew or should have known of Defendant MCGUIRE's propensity for the conduct which caused Plaintiff's injuries prior to the injuries' occurrence.

61. Defendants DIOCESE, IMMACULATA and FJJS had a duty to report any reasonable suspicion of child abuse.

62. Defendants owed a duty of care to all persons, including Plaintiff, who were likely to come within the influence of Defendant MCGUIRE in his role as a teacher, coach, counselor, trustee, director, officer, employee, agent, servant and/or volunteer, to insure that Defendant MCGUIRE did not abuse his authority as a teacher, coach, counselor, trustee, director, officer, employee, agent, servant and/or volunteer to injure minors by sexual assault, battery, and/or abuse.

63. Defendants DIOCESE, IMMACULATA and FJJS breached their duty by knowingly and willfully failing to report reasonable suspicion of abuse by Defendant MCGUIRE of children in their care.

64. Defendants breached their duty by knowingly and willfully failing to disclose reasonable suspicions of abuse by Defendant MCGUIRE of children in their care to current or prospective students.

65. By knowingly and willfully failing to inform other current and prospective students of the abuse of Defendant MCGUIRE, Defendant intended to defraud other current and prospective students.

66. When Plaintiff chose to attend Immaculata Academy, she reasonably relied upon the Defendants' representation that Defendants would look out for Plaintiff's well-being, care, and safety.

67. While attending Immaculata Academy, Plaintiff was sexually abused by Defendant MCGUIRE and has suffered injuries and damages described herein.

68. At all times material hereto, said Defendants' actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in their disregard for the rights and safety of Plaintiff.

69. As a direct result of Defendants' conduct, Plaintiff has suffered the injuries and damages described herein.

70. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

SIXTH CAUSE OF ACTION
Intentional Infliction of Emotional Distress

71. Plaintiff repeats and realleges each and every allegation set forth in the foregoing paragraphs as though fully set forth herein.

72. During the time period from approximately 1978 through 1982, Defendants DIOCESE, IMMACULATA and FSSJ allowed Defendant MCGUIRE unrestricted access to Plaintiff and willfully and/or intentionally ignored suspicious behavior and/or complaints against Defendant MCGUIRE of sexual assault, sexual abuse and sexual contact.

73. During the time period referenced above, Defendants DIOCESE, IMMACULATA and FSSJ willfully and/or intentionally ignored Plaintiff's safety by requiring

Plaintiff to be under the supervision of Defendant MCGUIRE by herself before, during and after school, including on school-sanctioned activities.

74. Defendants DIOCESE, IMMACULATA and FSSJ were deliberately indifferent to the risk of sexual assault, sexual abuse, and sexual contact posed to Plaintiff by being alone with Defendant MCGUIRE.

75. Defendants willfully and/or intentionally created a hostile and unsafe school environment that no child would be able to tolerate.

76. Defendants, in order to avoid embarrassment, scandal, and negative publicity, intended to cause Plaintiff shame, humiliation and extreme emotional distress so she would stay silent, and not report the abuse.

77. Defendants behaved in a manner toward Plaintiff that was so outrageous as to exceed all reasonable bounds of decency.

78. Defendants knew with substantial certainty or should have known that their behavior would cause Plaintiff to be a victim of sexual assault, sexual abuse and sexual contact.

79. Defendants knew with substantial certainty or should have known that their behavior would cause severe emotional distress to Plaintiff.

80. The foregoing acts of Defendants caused Plaintiff physical, mental and emotional distress.

81. By reason of the foregoing, Plaintiff has been damaged in an amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

SEVENTH CAUSE OF ACTION
Negligent Infliction of Emotional Distress

82. Plaintiff repeats and realleges each and every allegation set forth in the foregoing paragraphs as though fully set forth herein.

83. As described aforesaid, the actions of Defendants, their predecessors and/or successors, agents, servants and/or employees were conducted in a negligent and/or grossly negligent manner.

84. Defendants' actions endangered Plaintiff's safety and caused her to fear for her own safety.

85. As a direct and proximate result of Defendants' actions, which included but were not limited to, negligent and/or grossly negligent conduct, Plaintiff suffered the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

86. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

EIGHTH CAUSE OF ACTION
Breach of Duty *in Loco Parentis*

87. Plaintiff repeats and realleges each and every allegation set forth in the foregoing paragraphs as though if fully set forth herein.

88. Plaintiff, when she was a minor was entrusted by her parents to the control of Defendants for the purposes of *inter alia*, providing Plaintiff with a lay education and spiritual instruction, training, counseling and/or spiritual guidance as expounded by the Roman Catholic Church. Defendants DIOCESE, IMMACULATA and FSSJ, owe – and owed -- a duty to students entrusted to them to adequately supervise them to prevent foreseeable injuries to their students. As a result, Defendants owed a duty to Plaintiff *in loco parentis*.

89. Defendants breached their duty *in loco parentis*.

90. At all times material hereto, said Defendants' actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in their disregard for the

rights and safety of Plaintiff.

91. As a direct result of Defendants' conduct, Plaintiff has suffered the injuries and damages described herein.

92. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

NINTH CAUSE OF ACTION
Breach of Statutory Duty to Report Abuse under Soc. Serv. Law §§ 413, 420

93. Plaintiff repeats and realleges each and every allegation set forth in the foregoing paragraphs as though fully set forth herein.

94. Pursuant to N.Y. Soc. Serv. Law §§ 413 and 420, Defendants DIOCESE, IMMACULATA and FSSJ had a statutorily imposed duty to report reasonable suspicion of abuse of children in their care.

95. Defendants breached that duty by knowingly and willfully failing to report reasonable suspicion of abuse by Defendant MCGUIRE of children in their care.

96. As a direct and/or indirect result of said conduct, Plaintiff has suffered injuries and damages described herein.

97. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

TENTH CAUSE OF ACTION
Nuisance (Common Law and N.Y. Penal Law 240.45)

98. Plaintiff repeats and realleges each and every allegation set forth in the foregoing paragraphs as though fully set forth herein.

99. The actions and omissions of Defendants DIOCESE, IMMACULATA and FSSJ, as described above, have interrupted or interfered with the health, safety, and welfare of the general public.

100. The Defendants have created and exposed the public to these unsafe conditions continuously and on an ongoing basis since at least the time that Plaintiff was sexually abused and has continued to expose the public to that unabated threat until the present day.

101. As a direct and proximate result of the Defendants' conduct, the Plaintiff has suffered special and individualized harms separate and distinct from the harms suffered by the public at large.

102. The harm suffered by the Plaintiff is the exact type of harm that one would expect to result from the Defendants' acts and omissions.

103. Defendants continue to conspire and engage and/or has conspired and engaged in efforts to: 1) conceal from the general public the sexual assaults committed by, the identities of, and the pedophilic/ephebophilic tendencies of Defendant MCGUIRE and the Defendant's other accused abusers; and/or 2) conceal from proper civil authorities sexual assaults and abuse committed by Defendant MCGUIRE and the Defendant's other agents against minor children; and/or 3) attack the credibility of victims of the Defendant's agents; and/or 4) protect the Diocese's agents from criminal prosecution for their sexual assaults and abuse against children; and/or 5) allow known child molesters to live freely in the community without informing the public.

104. The net result of the aforementioned activities is that Defendants DIOCESE, IMMACULATA and FJJS have introduced the threat of criminal activity into the public sphere and has thereby impaired the public's health, safety, and welfare.

105. The conduct of Defendant DIOCESE, IMMACULATA and FJJS was especially injurious to Plaintiff's health, safety and welfare as because Plaintiff was sexually assaulted by Defendant DIOCESE's agent, Defendant MCGUIRE.

106. The conduct of Defendants DIOCESE, IMMACULATA and FJJS was further especially injurious to Plaintiff's health, safety and welfare in that when Plaintiff discovered Defendants DIOCESE, IMMACULATA and FJJS' conduct, Plaintiff experienced mental, emotional and/or physical distress that she had been the victim of Defendants' conduct.

107. Plaintiff has suffered and/or continues to suffer special, particular, and peculiar psychological and emotional harm and/or peculiar pecuniary harm, different in kind from the general public, after learning of Defendant DIOCESE, IMMACULATA and FJJS's conduct.

108. Plaintiffs injuries are also particular to her and different from certain members of the public who have not been harmed by the nuisance. People who have not been harmed by the nuisance include those who have not suffered any injury at all, those who are unaware of the nuisance, those who do not believe that the conduct of Defendants DIOCESE, IMMACULATA and FJJS ever occurred, and those who think that any such conduct only occurred decades ago.

109. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

ELEVETH CAUSE OF ACTION
Debts for Willful and Malicious Injury Nondischargeable

110. Plaintiff repeats and realleges each and every allegation set forth in the foregoing paragraphs as though fully set forth herein.

111. Pursuant to Section 523(a)(6) of the Bankruptcy Code, any debt "for willful and malicious injury by the debtor to another entity or to the property of another entity" is

nondischargeable.

112. Defendants DIOCESE, IMMACULATA and FSSJ allowed the acts of omission and/or commission and/or any or all of the allegations set forth in this Complaint, to occur.

113. Defendants breached their duty by knowingly and willfully failing to report reasonable suspicion of abuse by Defendant MCGUIRE of children in their care.

114. Defendants knowingly, willingly, and intentionally failed to report reasonable suspicion of abuse by Defendant MCGUIRE of children in their care.

115. Defendants' intentional act of nondisclosure allowed Defendant MCGUIRE to continue abusing children in Defendants care, an injury that Defendants were substantially certain would occur.

116. This intentional act necessarily produced the harm that resulted.

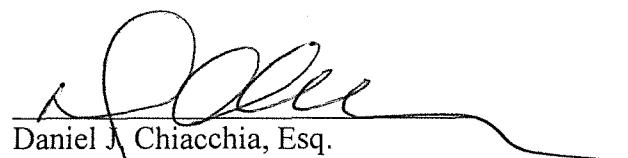
117. Defendants' actions endangered Plaintiff's safety and caused her to fear for her own safety.

118. As a direct and proximate result of Defendants' actions, which included but were not limited to, negligent and/or grossly negligent conduct, Plaintiff suffered the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

119. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

WHEREFORE, plaintiff respectfully requests judgment against Defendants herein in sums which exceed the jurisdictional limit of all lower courts which would otherwise have jurisdiction in this action, together with the costs and disbursements of this action and any other relief as the Court deems just and proper.

Dated: August 19, 2019
Hamburg, New York


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